

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE H. VALLES-JUAREZ,

Defendant.

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8:04CR547

ORDER CONTINUING TRIAL

This matter is before the court on the government's motion to continue trial (#41), which is now set for August 23, 2005. For good cause shown, trial of this matter will be continued to the next available setting, i.e., September 13, 2005.

IT IS ORDERED that defendant's MOTION TO CONTINUE TRIAL (#41) is granted, as follows:

1. The trial of this case is continued to **Tuesday, September 13, 2005** before Judge Laurie Smith Camp and a jury.

2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **August 23, 2005 and September 13, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reasons stated in the motion, and considering counsel's diligence in trying to obtain an essential witness. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. Counsel for the United States shall confer with defense counsel and electronically file a status report no later than **September 1, 2005** advising the court of the anticipated length of trial.

DATED August 10, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**